

September 14, 2018

Mr. Eric J. Chodnicki  
Daft McCune Walker, Inc.  
501 Fairmount Avenue  
Suite 300  
Towson, Maryland 21286

RE: Timonium Light Rail Station – Park and Ride  
Forest Conservation Variance  
Tracking # 03-18-2799

Dear Mr. Chodnicki:

A request for a special variance from Baltimore County's Forest Conservation Law was received by this Department of Environmental Protection and Sustainability (EPS) on August 28, 2018. The variance seeks approval to defer the application of the requirements of Article 33, Title 6, the Forest Conservation (FC) Law on this approximately 15.3-acre property until such time as the individual parcels which comprise the property are tendered for redevelopment. The FC Law is being applied in conjunction with a pending, existing conditions Limited Exemption Development Plan and associated record plat for the reconfiguration of Parcel 500, Parcel 568 and the lot lines which comprise this site. The property currently consists of Greenspring Drive (a County road), and parking lots for commuters utilizing Maryland Transit Administration Light Rail and Park & Ride facilities. No redevelopment is proposed, nor are any additional building lots being created as part of this current Limited Exemption Development Plan and associated record plat.

The Director of EPS may grant a special variance to the Forest Conservation law in accordance with criteria outlined in Section 33-6-116 of the Baltimore County Code. There are six (6) criteria listed in Subsection 33-6-116(d) and (e) that shall be used to evaluate the variance request. One (1) of the three criteria under Subsection 33-6-116(d) must be met, and all three (3) of the criteria under Subsection 33-6-116(e) must be met, in order to approve the variance.

The first criterion (Subsection 33-6-116 (d)(1) of the Code) requires that the petitioner show that the land in question cannot yield a reasonable return if the requirement from which the special variance is requested is imposed and will deprive the petitioner of all beneficial use of his property. The applicant is seeking to reconfigure the existing lots or parcels on this property that existed well-prior to the effective date of the

Forest Conservation Law. While the application of the law would provide a hardship, it does not deprive the petitioner of all use of the property. Therefore, this criterion has not been met.

The second criterion (Subsection 33-6-116 (d)(2) of the Code) requires that the petitioner show that his/her plight is due to unique circumstances and not the general conditions in the neighborhood. The reconfiguration of the long-standing lots or parcels which comprise this extensively developed property is due to unique circumstances associated with the property rather than the general conditions in the neighborhood. Therefore, we find that this criterion has been met.

The third criterion (Subsection 33-6-116 (d)(3) of the Code) requires that the petitioner show that the special variance requested will not alter the essential character of the neighborhood. No additional lots and parcels or expansion and/or redevelopment proposals are associated with this existing conditions Limited Exemption Development plan. Furthermore, the uses of the property will not change in conjunction with the current plan; thus, the essential character of the neighborhood will not be altered. Therefore, we find that this criterion has been met.

The fourth criterion (Subsection 33-6-116 (e)(1) of the Code) requires that the granting of the special variance will not adversely affect water quality. Granting this variance would not impact any forest or riparian buffer. Furthermore, no additional lots or parcels or redevelopment proposals are associated with this existing conditions Limited Exemption Development plan. Therefore, we find that granting of the special variance will not adversely affect water quality and that this criterion has been met.

The fifth criterion (Subsection 33-6-116 (e)(2) of the Code) requires that the special variance request does not arise from a condition or circumstance which is the result of actions taken by the petitioner. The petitioner has not taken any actions necessitating this variance prior to its request. Therefore, this criterion has been met.

The sixth criterion (Subsection 33-6-116 (e)(3) of the Code) requires that the Director of EPS find that the special variance, as granted, would be consistent with the spirit and intent of Article 33 of the Baltimore County Code. Permitting the deferral of the application of the requirements of the Forest Conservation Law to this Limited Exemption Development proposal, where no forest impacts are proposed and where the existing uses predate the law from which relief is sought would be consistent with the spirit and intent the Forest Conservation Law. Therefore, this criterion has been met.

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Based on our review, this Department finds that all of the required criteria have been met. Therefore, the requested variance is hereby approved in accordance with Section 33-6-116 of the Baltimore County Code with the following conditions:

1. Future redevelopment of any lot, parcel, or tract of this Limited Exemption Development Plan shall be evaluated and a determination made by the EPS director as to the extent of compliance with Article 33, Title 6 of the Baltimore County Code at such time as a development proposal for any such unit of land is submitted for Baltimore County approval.
2. The following note must appear on all subsequent plans submitted for this project:
  - “A variance was granted on September 14, 2018, by the Baltimore County Department of Environmental Protection and Sustainability (EPS) from Article 33, Title 6, Forest Conservation. The requirements of this Law are deferred until individual units of land which comprise this property are redeveloped, at which time the extent of compliance with Article 33, Title 6 shall be determined by the EPS director.”

It is the intent of this Department to approve this variance subject to the above conditions. Any changes to site layout may require submittal of revised plans and a new variance request.

Please have the appropriate representative sign the statement on the following page and return a signed copy of this entire letter to this Department within 21 calendar days. Failure to return a signed copy may render this approval null and void, or may result in delays in the processing of plans for this project.

If you have any questions regarding this correspondence, please contact Mr. Michael Kulis at (410) 887-3980.

Sincerely yours,

David V. Lykens  
Deputy Director

DVL/msk

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I/we agree to the conditions enumerated in this approval letter to bring my/our property into compliance with Baltimore County's Forest Conservation Law.

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Representative's Signature

Date

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Printed Name